

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA

Keith L. Ross,

Plaintiff,

v.

Bryan P. Stirling, *SCDC Director*,

Defendant.

C/A No. 0:24-cv-5823-SAL

ORDER

Plaintiff Keith L. Ross (“Plaintiff”), proceeding pro se, filed this action while incarcerated at Perry Correctional Institution. This matter is before the court on the Report and Recommendation (the “Report”) issued by United States Magistrate Judge Paige J. Gossett, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending the action be summarily dismissed without prejudice. [ECF No. 11.] Specifically, the magistrate judge issued an order on November 18, 2024, directing Plaintiff to file the documents necessary to bring the case into proper form and warning the case would be subject to dismissal if Plaintiff failed to comply with the order within the time permitted. [ECF No. 6.] Plaintiff failed to timely file an amended complaint or otherwise cure the identified deficiencies. *See* ECF No. 11. Accordingly, the magistrate judge recommended summary dismissal pursuant to Federal Rule of Civil Procedure 41(b). *Id.* Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. *Id.* at 6. Plaintiff has not filed objections, and the time for doing so has expired.


The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this

court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standards, the court finds no clear error, adopts the Report, ECF No. 11, and incorporates it by reference herein. This matter is **DISMISSED without prejudice and without issuance of the summons and service of process** pursuant to Federal Rule of Civil Procedure 41(b) for failure to comply with a court order.

IT IS SO ORDERED.

February 18, 2025
Columbia, South Carolina


Sherri A. Lydon
United States District Judge